IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

LA.App.No. 220 of 2007

LAR.108/1998 of II ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT/RESPONDENT NO. 1 IN LAR:

STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

RESPONDENTS/CLAIMANT & ADDL.R2 IN LAR:
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1. **S. JAYACHANDRAN NAIR, S/O.SUKUMARAN NAIR, KURUVIKKATTU VEEDU, ATTIPRA VILLAGE, KAZHAKKOOTTAM, THIRUVANANTHAPURAM (PRESENT ADDRESS), `NITHYASAYI PALLINADA', KAZHAKKUTTOM PO, THIRUVANANTHAPURAM.**

2. **ELECTRONIC TECHNOLOGY PARKS (KERALA) KARIAVATTOM P.O., THIRUVANANTHAPURAM REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.**

   BY ADV. SRI.P.A. AHAMED, SC, TECHNOPARK

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 220 OF 2007

Dated this the 13th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 108/1998 on the file of II Additional Sub Court, Thiruvananthapuram. Acquisition is for Electronic Techno Park in Thiruvananthapuram.

2. The Land Acquisition Officer fixed the land value at the rate of Rs. 4,154/- per Are. The Reference Court fixed the land value at the rate of Rs. 5,400/- per Are. It is seen that the fixation and nominal enhancement over and above the value fixed by the Land Acquisition Officer is based on Exhibit A1 document executed on 26.03.1994. Though Exhibit A1 as such is not relied on, it is seen that the enhancement is made taking note of the location of the acquired property.

3. The Reference Court also took note of the fact that the basic document was not produced so as to establish the justifiability of the value fixed by the Land Acquisition Officer.

In the above circumstances, we are of the view that the nominal enhancement given by the Reference Court and fixation of land value at the rate of Rs. 5,400/- per Are is only just and proper. The appeal is hence dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 220 OF 2007

J U D G M E N T

13.09.2007